

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:04CR162-P-D

ERIC BRADSHAW,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Eric Bradshaw's fourth Motion to Continue Trial Setting [29-1]. Upon due consideration of the motion the court finds as follows, to-wit:

Trial is currently set for July 18, 2005 in Greenville, Mississippi. Defense counsel avers that Bradshaw is on bond and any continuance would not prejudice his right to a speedy trial. Counsel also states that he has a conflict with a death penalty habeas corpus trial setting in *Simmons v. Epps, et al.* in the Southern District of Mississippi, Cause Number 1:04cv496 which requires defense counsel to file a final Petition and supporting brief by July 21, 2005. Furthermore, counsel requires additional time in which to make final trial preparations for the instant case.

The Government has no objection to another continuance in this case.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from July 18, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Eric Bradshaw's fourth Motion to Continue Trial Setting [29-1] is hereby

GRANTED;

(2) Trial of this matter is continued until Monday, August 15, 2005 at 9:00 a.m. at the United States Courthouse in Oxford, Mississippi;

(3) The delay from July 18, 2005 to August 15, 2005 is excluded as set out above;

(4) The deadline for filing pretrial motions is July 25, 2005; and

(5) The deadline for submitting a plea agreement is August 1, 2005.

SO ORDERED, this the 30th day of June, A.D., 2005.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE